

EXHIBIT Y

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DATE: 30 July 2005

TO: Examiner: Lissi M. Marquis
Group Art Unit 2800

FAX #: 1 571 273 8300

PHONE #: 1 571 272 1596

Application No.: 10/805,686
Applicant: MORRIS
Due Date: 1 August 2005

OUR REF.: 1915.17US03

FROM: Wm. Larry Alexander
PHONE #: (612) 349-5757

Attached please find the following document for filing in the above-identified patent application:

Amendment responsive to 19 July 2005 Sua Sponte Decision to Merge Reissue and
Reexamination Proceedings and 1 July 2005 Notice of Non-Compliant Amendment.

Sincerely,

Wm. Larry Alexander
Wm. Larry Alexander
Reg. No. 37,269

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 1 571 273 8300 on the date shown below.

30 July 2005
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Wm. Larry Alexander
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MERGED REISSUE AND REEXAMINATION PROCEEDINGS

Attorney Docket No.: 1915.17US03
Reissue Application No.: 10/805,686
Confirmation No.: 8616
Filed: 19 March 2004

Attorney Docket No.: 1915.17US05
Reexamination Control No.: 90/007,487
Confirmation No.: 5214
Filed: 29 March 2005

Examiner: Lissi M. Marquis
Group Art Unit: 2800
In re the application of: Richard J. Morris
For: ROOF BATTEN

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Responsive to the 19 April 2005 Office Action, the 9 May 2005 Notice of Non-Compliant Amendment (now apparently rescinded), the 8 June 2005 Notice of Non-Compliant Amendment, the 1 July 2005 Notice of Non-Compliant Amendment, and the instructions in the 19 July 2005 Decision, Sua Sponte, to Merge Reissue and Reexamination Proceedings, amendment to the above-identified patent application is requested. It is believed that no extension fee is due. However, if an extension fee or any other fee is due, please charge these fees to Deposit Account No. 16-0631. It is requested that this amendment be entered in both the above-identified reissue and reexamination files.

ALEXANDER

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Reissue Application No. 10/805,686 &
Reexamination Application No. 90/007,487
Amendment Responsive to 19 July Decision, Sua Sponte, to Merge Reissue and Reexamination
Proceedings

The present amendment comprises the following sections:

A. Amendments to the Claims; and

B. Remarks.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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30 July 2005
Date

Wm. Larry Alexander
Wm. Larry Alexander

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PAGE 3/8 * RCVD AT 7/30/2005 10:20:42 AM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/24 * DNIS:2738300 * CSID:6514374277. * DURATION (mm-ss):02-12

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Reissue Application No. 10/805,686 &
Reexamination Application No. 90/007,487
Amendment Responsive to 19 July Decision, Sua Sponte, to Merge Reissue and Reexamination
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AMENDMENTS TO THE CLAIMS

A detailed listing of all claims that are, or were, in the present application, irrespective of whether the claim(s) remains under examination in the application are presented below. The claims are presented in ascending order and each includes one status identifier. Those claims not cancelled or withdrawn but amended by the current amendment utilize the following notations for amendment: 1) deleted matter is shown by brackets; and 2) added matter is shown by underlining.

1. (Canceled)

2. (Twice Amended) [The batten of claim 1,] A tile roof system, comprising:

an overlayment;

a tile; and

a batten disposable between the tile and the overlayment, the batten comprising:

at least one layer comprising generally planar first plies and a second ply,

the first and second plies cooperating to define a multiplicity of passages

extending generally transversely to a longitudinal axis of the batten, and in which the

second ply includes a multiplicity of cross plies-extending between the first plies.

3. (Amended). [The batten of claim 1,] A tile roof system, comprising:

an overlayment;

a tile; and

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a batten disposable between the tile and the overlayment, the batten comprising:
at least one layer comprising generally planar first plies and a second ply,
the first and second plies cooperating to define a multiplicity of passages
extending generally transversely to a longitudinal axis of the batten, and in which the
second ply is generally convoluted.

6. (Amended) The batten of claim 5, in which adjacent layers are hingably connected by a
hingeline extending generally parallel to [a] the batten longitudinal axis.

8. (Amended) The batten of claim 6, in which first and second hingelines are present, the first
hingeline defined by a first slice extending through one of the first plies and the second ply, and
the second hingeline defined by a second slice extending through [the other] another of the first
plies and the second ply.

9. (Amended) The batten of claim 6, in which a plurality of hingelines are present, the
[hingeline is] hingelines defined by alternate severed and intact portions, the severed portions
comprising substantially severed first and second plies, the intact portions comprising
substantially intact first [and second] plies.

14-20. (Canceled).

22. (Canceled).

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REMARKS

Claims 2-13, 21, and 23-25 are pending. By this Amendment, claims 2-3, 6, and 8-9 are amended and claims 1, 14-20, and 22 are canceled.

This amendment is responsive to Housekeeping Amendment required by the 19 July 2005 Sua Sponte Decision to Merge Reissue and Reexamination Proceedings and to the 1 July 2005 Notice of Non-Compliant Amendment with respect to Reissue Application 10/805,686. It is believed that this amendment complies with the directive to file the Housekeeping Amendment and is in the proper format for reissue proceedings. To this end, entry of this amendment in the Reissue Application 10/805,686 - Reexamination Control No. 90/007,487 merged proceeding is respectfully requested.

Claims 2 and 3 are amended to include the limitations of claim 1. Claim 2 is further amended to recite that the second ply includes "a multiplicity of cross plies" rather than "a planar portion and a multiplicity of cross portions." Support for the amendment to claim 2 can be found, e.g., in Figure 5 and in the specification beginning at column 3, line 18. Amending claim 2 with the latter amendments merely restates the limitations present in canceled claim 1 and, therefore, does not narrow the scope thereof.

Claim 6 is amended to recite "the batten longitudinal axis," in place of "a batten longitudinal axis," the former limitation having antecedence in claim 3, from which claim 6 indirectly depends. Applicant respectfully submits that correcting antecedence does not narrow the scope of claim 6.

Claim 8 is amended to more particularly point out and distinctly claim the subject matter regarded as the invention by reciting "another of the first plies and the second ply" rather than

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"the other of the first plies and the second ply." Applicant submits that the former limitation recognizes that more than two first plies might be present in some embodiments of this invention; hence the amendment, if anything, broadens the scope of claim 8.

Claim 9 is amended to recite "a plurality of hingelines" and to recite the intact portions "comprising substantially intact first plies" rather than "comprising substantially intact first and second plies." Support for the foregoing amendment can be found, e.g., in the paragraph beginning at column 3, line 64. Applicant submits that the foregoing amendment, if anything, broadens the scope of claim 9.

No new matter has been added by the amendments to the claims presented herein. In view of the amendments to the claims, reconsideration and withdrawal of the rejection are respectfully requested.

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Conclusion

In view of the foregoing, it is submitted that this Application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. To this end, the Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


Wm. Larry Alexander, Ph.D.
Registration No. 37,269

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757

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